

The present invention is a method of growing tumor specimens, and the cells of interest (the malignant cells) without overgrowth of unwanted cells such as fibroblasts. The newly submitted claims have been pointedly worded to emphasize this feature of the invention, namely, the growing out of the malignant cells of interest. In the prior art, both published and in practice, it was well-known to try to grow malignant cells by partially or completely disaggregating cells and attempting growth in culture, but inevitably the fibroblasts or other unwanted cells overgrew the malignant cells of interest and the purpose of the tissue culture was defeated. Moreover, often the cells actually grown out were misunderstood to be malignant cells when they were not, creating confusion at best and completely misleading results at worst.

The two prior art references relied on by the Examiner in the Office Action dated January 4, 2002 are not directed to malignant cells or malignant cell culture at all. The Dudley et al. publication is directed to endometrial explants, and the inventive feature of avoiding overgrowth of unwanted cells, or even of selecting tumor specimens containing malignant cells plus unwanted cells such as fibroblasts in the first place, is not disclosed or suggested. Broadley et al. do not add anything to Dudley et al. to teach the present invention, moreover. Broadley et al., in addressing deliberate fibroblast culture of canine vocal fold fibroblasts, address a wholly different technology than the present claims which are dedicated to preventing the growth (overgrowth) of unwanted cells, such as fibroblasts in cultures of malignant cells. In view of the new claims submitted herewith, therefore, it may be seen that new claims 40-47 are in condition for allowance.

A Supplemental Information Disclosure Statement (IDS) is being submitted herewith.

An early publication by the inventor, Paul L. Kornblith, M.D., entitled "Role of Tissue Culture in Prediction of Malignancy", Clinical Neurosurgery, Vol. 25, pp. 346-376, 1978, is directed to culturing tumors which, unlike those of the present invention, were not susceptible to overgrowth of unwanted cells. The goal of the present invention, therefore--the growing out only of the malignant cells of interest--was not taught or suggested by Dr. Kornblith or in any other prior art of which the Applicant is aware.

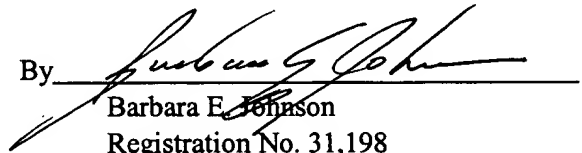
CONCLUSION

Entry and allowance of new claims 40-47 are respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By


Barbara E. Johnson
Registration No. 31,198
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com